

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :	:	CRIMINAL NO. _____
	:	
v.	:	DATE FILED: _____
	:	
MAURICE MATTHEWS	:	VIOLATIONS: 18 U.S.C. § 924(a)(1)(A)
HOPE CLARK	:	(false statements to federally-licensed
	:	firearms dealer - 2 counts)
	:	
	:	18 U.S.C. §§ 922(a)(1)(A) and
	:	924(a)(1)(D)
	:	(engaging in the business of dealing in
	:	firearms without a license - 1 count)
	:	
	:	Notice of additional factors

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times relevant to this indictment:

1. Lou's Loans was a federally-licensed firearms dealer located in Upper Darby, Pennsylvania.
2. Pursuant to the rules and regulations governing federally-licensed firearms dealers, a person seeking to purchase a handgun must fill out a "Firearms Transaction Record," ATF Form 4473. Part of the Form 4473 required that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she was the "actual buyer" of the firearm. The Form 4473 in effect at the times relevant to this Indictment contained the following language

explaining what it meant to be an actual buyer, as opposed to a “straw purchaser,” that is, someone falsely posing as an actual buyer:

1. **WARNING** - a licensee who knowingly sells or delivers a firearm to a straw purchaser violates Federal firearms laws. A “straw purchase” occurs when the actual buyer uses another person (the straw purchaser) to execute an ATF Form 4473 purporting to show that the straw purchaser is the actual buyer. Straw purchases also place the straw purchaser and the actual buyer in violation of law. Although the actual buyer may be eligible to receive firearms, a straw purchase results in the falsification of the licensee’s records with respect to the identity of the actual buyer.

3. Federally-licensed firearms dealers were required, pursuant to regulations promulgated by the ATF under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929), to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the dealer.

4. On or about March 5, 2003, at Upper Darby, in the Eastern District of Pennsylvania, defendants

**MAURICE MATTHEWS and
HOPE CLARK,**

in connection with the acquisition of a firearm, that is a Ruger Model GP100 .357 caliber revolver, serial number 17096282, knowingly made and aided and abetted and willfully caused the making of false statements and representations pertaining to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the records of a federally-licensed firearms dealer, that is, Lou’s Loans, in that the defendants certified on the Form 4473,

that defendant **HOPE CLARK** was the actual buyer of the firearm, when in fact, defendant **MAURICE MATTHEWS** was the actual buyer.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs One through Three of Count One are realleged here.
2. On or about March 6, 2003, at Upper Darby, in the Eastern District of Pennsylvania, defendants

**MAURICE MATTHEWS and
HOPE CLARK,**

in connection with the acquisition of a firearm, that is, a BEN 9mm semiautomatic pistol, serial number 302503, knowingly made and aided and abetted and willfully caused the making of false statements and representations pertaining to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the records of a federally-licensed firearms dealer, that is, Lou's Loans, in that the defendants certified on the Form 4473 that defendant **HOPE CLARK** was the actual buyer of the firearm, when in fact, defendant **MAURICE MATTHEWS** was the actual buyer.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs One through Three of Count One are realleged here.
2. During 2003, defendant **MAURICE MATTHEWS** sold, for profit, the guns that are the subject of Counts One and Two, as well as at least five other firearms, to individuals known and unknown to the grand jury. **MATTHEWS** was not licensed to sell firearms.
3. From at least in or about January 2003, through in or about August 2003, in the Eastern District of Pennsylvania, defendant

MAURICE MATTHEWS

knowingly and willfully engaged in the business of dealing in firearms without being licensed to do so under the provisions of Chapter 44, Title 18, United States Code.

In violation of Title 18, United States Code, Sections 922(a)(1)(A) and 924(a)(1)(D).

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count Three of this indictment, defendant

MAURICE MATTHEWS

a. Committed an offense involving 3-7 firearms, as described in U.S.S.G. § 2K2.1(b)(1).

b. Possessed and transferred any firearm and ammunition with reason to believe that it would be used and possessed in connection with another felony offense, as described in U.S.S.G. §2K2.1(b)(5).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney